

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC, NASCAR
HOLDINGS, LLC, NASCAR EVENT
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,
FRONT ROW MOTORSPORTS, INC., and
CURTIS POLK,

Counter-Defendants.

**DEFENDANTS' NOTICE OF
INTENT TO ISSUE A CHARTER**

Pursuant to the Court's Orders dated July 17, 2025 (Doc. 181) and July 22, 2025 (Doc. 189),¹ NASCAR provides notice to the Court that it had discussions with [REDACTED]

[REDACTED]. Notwithstanding this updated information, NASCAR commits that it will maintain its representations to not sell, transfer or otherwise convey this Charter until the Court issues its order on the motion for preliminary injunction currently pending before the Court.

BACKGROUND

I. TO GROW AND ENHANCE THE 2026 NASCAR CUP SEASON, NASCAR INTENDS TO CONVEY A CHARTER TO [REDACTED]

Under the Fourth Circuit's mandate, there are currently 30 active Charters, two inactive Charters, and four non-issued Charters. [REDACTED] have expressed interest in obtaining a Cup Series Charter to NASCAR executives multiple times over the past several years. Decl. of Steve Phelps at ¶ 4 (Aug. 25, 2025) (hereinafter "S. Phelps Decl."). While discussions have occurred over time, [REDACTED]

[REDACTED]

[REDACTED]

¹ NASCAR previously agreed that NASCAR would not "sell any Charters before the Court can rule on Plaintiffs' motion for preliminary injunction." Doc. 181 at 4. The Court ordered that NASCAR "immediately inform the Court prior to undertaking any transaction with respect to Charters." *Id.* at 4 n.3. The Court later ordered that NASCAR "promptly inform Plaintiffs and the Court" of updates regarding NASCAR's representation that NASCAR "will not effectuate any sale or transfer or otherwise convey in any manner the six 2025 Charters offered to the Plaintiffs or purchased until the Court rules on the Motion for Preliminary Injunction." Doc. 189 at 2. In the interest of full transparency, NASCAR makes this filing in order to provide notice of its intent to convey a Charter for the 2026 Cup Series season. For avoidance of doubt, this Notice of Intent does not relate to the Charters that were previously issued to Stewart-Haas Racing and subsequently assigned pursuant to the District Court's Order to Front Row and 23XI Racing teams.

on Plaintiffs' pending motion for preliminary injunction. NASCAR requests that the Court and parties not refer to [REDACTED] by name at the hearing.

Dated: August 25, 2025

Respectfully submitted,

By: /s/ Christopher S. Yates
Christopher S. Yates*
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 395-8240
Facsimile: (415) 395-8095
chris.yates@lw.com

Lawrence E. Buterman*
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1200
lawrence.buterman@lw.com

Anna M. Rathbun*
David L. Johnson*
Christopher J. Brown*
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
anna.rathbun@lw.com
david.johnson@lw.com
chris.brown@lw.com

Tricia Wilson Magee (N.C. Bar No. 31875)
SHUMAKER, LOOP, & KENDRICK, LLP
101 S Tryon Street, Suite 2200
Charlotte, NC 28280
Telephone: (704) -945--2911
Facsimile: (704) -332--1197
tmagee@shumaker.com

* Admitted *pro hac vice*

Counsel for Defendants and Counter-Plaintiffs

ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document;
2. Every statement contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 25th day of August, 2025.

/s/ Christopher S. Yates
Christopher S. Yates
Of Latham & Watkins LLP

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DEFENDANTS' NOTICE OF INTENT TO ISSUE A CHARTER** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

Danielle T. Williams
WINSTON & STRAWN LLP
300 South Tryon Street
16th Floor
Charlotte, NC 28202
dwilliams@winston.com

Jeffrey L. Kessler
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
jkessler@winston.com

Jeanifer Parsigian
Michael Toomey
WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111
jparsigian@winston.com
mtoomey@winston.com

Matthew DalSanto
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
mdalsanto@winston.com

*Counsel for Counterclaim Defendants 23XI
Racing, Front Row Motorsports Inc., and
Curtis Polk*

This the 25th day of August, 2025.

/s/ Christopher S. Yates
Christopher S. Yates
Of Latham & Watkins LLP